

**GUSRAE KAPLAN NUSBAUM PLLC**  
ATTORNEYS AT LAW

SCOTT H. GOLDSTEIN  
MARTIN H. KAPLAN  
LAWRENCE G. NUSBAUM  
RYAN J. WHALEN

120 WALL STREET-25<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10005

—  
TEL (212)269-1400  
FAX (212)809-4147

OF COUNSEL  
ROBERT L. BLESSEY  
HOWARD F. MULLIGAN

[www.gusraekaplan.com](http://www.gusraekaplan.com)

August 27, 2020

**VIA ECF**

Hon. Naomi Reice Buchwald  
United States District Court Judge  
United States District Court for the  
Southern District of New York  
Courtroom 21A  
500 Pearl Street  
New York, NY 10007

Re: *ParkWest Advisors, LLC et al. v. Blackman's Cycle Center, Inc. et. al.*, 19-cv-9793 (NRB)

Dear Judge Buchwald:

We represent Plaintiffs/Counter-Defendants, ParkWest Advisors, LLC and ParkWest Advisors Group, LLC (hereinafter and collectively, "Plaintiffs" or "ParkWest") in the above-referenced litigation before this Court. We write pursuant to Your Honor's Individual Practice Rule 2.A to move for a 60 day stay of this action in order to determine who has authority to act on behalf of Parkwest. The reason for this request is that Sean Dougherty, the managing member of Parkwest, died in a tragic accident in his home on August 23, 2020. At this time, Plaintiffs' counsel does not know who, if anyone, has control over Parkwest, if there are other members, or if there was a succession plan in the event of Mr. Dougherty's death or incapacity. The undersigned is currently trying to answer these questions.

Defendants consent to the request for a 60 day stay, but for all other purposes, do not join this letter.

To update the Court of the current status of the case, at the February 27, 2020 initial pre-trial conference, the Court directed the parties to engage in preliminary discovery of the issue of whether or not the parties' agreement took the form asserted by Plaintiffs and denied by Defendants. (See Dkt. 1, the Complaint at pars. 82-84 and Dkt. 18, the Answer, page 13 "Second Defense."). The parties have not yet hired a forensic firm to review the parties' electronics. (See also Dkt. 22, 23 and 24).

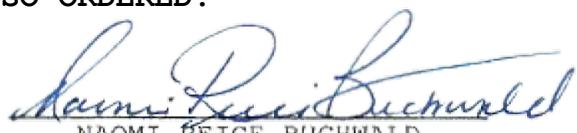
GUSRAE KAPLAN NUSBAUM PLLC

Respectfully submitted,

Ryan J. Whalen

Application granted. Counsel for plaintiffs is directed to file a status report updating the Court on this issue on October 27.

**SO ORDERED.**



NAOMI REICE BUCHWALD

UNITED STATES DISTRICT JUDGE

Dated: New York, New York  
August 28, 2020